

## **REMARKS**

This application has been reviewed in light of the final Office Action mailed on August 24, 2009. Claims 1-21 are pending in the application with Claims 1, 8, 10-13, 16, and 21 being in independent form. By the present amendment, Claims 1, 2, 4, 8, 10-13, 16, and 21 have been amended. No new matter or issues are believed to be introduced by the amendments.

In the final Office Action, the Examiner states that Applicants' arguments filed on May 5, 2009 have been fully considered but they are not persuasive. However, the Examiner has withdrawn the previous rejections, and has presented new rejections. Accordingly, the arguments presented by the Applicants were persuasive.

Claims 1, 2, 5-16, and 19-21 were rejected under 35 U.S.C. §103(a) as being anticipated by Kuchibhotla et al. (U.S. Patent No. 7,414,989) in view of Dudley et al. (U.S. Patent No. 5,754,754).

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...the receiver sends a revert (REV) confirmation message immediately after receiving the second data packet, the REV confirmation message acknowledges receipt of the second data packet and requests the transmitter to re-send the first data packet; and wherein the REV confirmation message informs the transmitter that a gap exists in a memory of the receiver due to a missing data packet transmitted immediately before the second data packet, and should be retransmitted” (emphasis added)

Kuchibhotla fails to disclose or suggest at least “...wherein the REV confirmation message informs the transmitter that a gap exists in a memory of the receiver due to a missing data packet transmitted immediately before the second data packet, and should be retransmitted,” as recited in amended independent Claim 1.

Kuchibhotla discloses a method for ACK/NACK determination reliability for a communication device includes a first step of defining a supplementary indicator of message

acceptability (Abstract). In particular, Kuchibhotla supports active set handoff and scheduling functions by allowing a mobile station (MS) to provide HARQ ACK/NACK coding information to improve data throughput of an enhanced reverse link transmission to Active Set base transceiver stations (column 6, lines, 40-47).

In contrast, in the present disclosure as recited by the claims, the REV message informs the base station (BA) about the fact that there is a gap in the reception buffer or memory of the mobile station (MS). In other words, the REV informs the BA about the fact that the data packet (D1) immediately sent before the data packet, whose reception is positively acknowledged by means of the REV message (D2) has not been successfully received by the MS and thus the data content of D1 is missing in the MS (see page 4, paragraph [0051] of Applicants' published application). Kuchibhotla is not concerned with such a system because Kuchibhotla is concerned with setting up a technique to allow the feedback of information between the MS and active set BTSs such that a macro selection diversity benefit is obtained (column 5, line 62 – column 6, line 2). Thus, Kuchibhotla clearly does not teach and/or suggest the feature(s) added of the amended independent Claims.

Dudley does not address the deficiencies of Kuchibhotla. Dudley is directed to an error recovery system in a data communication system where the sender station is notified if an error in transmission has occurred. This is done by detecting a gap (i.e., missing sequence numbers) in the sequence numbers of correctly received information packets. A status packet is transmitted to the sender station when a gap is detected. Therefore, the sender station is informed of a gap after the gap is detected so that retransmission may be provided. See column 3, lines 24-34.

Dudley does not disclose or suggest “the receiver sends a revert (REV) confirmation message consequent on after receiving the second data packet, the REV confirmation message acknowledges receipt of the second data packet and requests the transmitter to re-send the first data packet; and wherein the REV confirmation message informs the transmitter that a gap exists in a memory of the receiver due to a missing data packet transmitted consecutively before the second data packet, and should be retransmitted,” as recited by Applicants’ Claim 1.

In particular, there is no disclosure or suggestion by Dudley that the receiver station informs the sender station of a missing data packet consequent on the receiver station receiving the error-free data packet transmitted by the sender station, wherein the error-free data packet is transmitted by the sender station consecutively after the missing data packet is transmitted.

Independent Claims 8, 10-13, 16, and 21 include the same or similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1, 8, 10-13, 16, and 21 and allowance thereof are respectfully requested.

Dependent Claims 2, 5-7, 9, 14, 15, 19, and 20, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 8, 13, 16, and 21 from which they depend. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2, 5-7, 9, 14, 15, 19, and 20, and allowance thereof are respectfully requested.

Claims 3 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kuchibhotla in view of Dudley as applied to Claims 1 and 16 above, and further in view of Ulug (U.S. Patent No. 4,312,065).

Ulug does not address the deficiencies of Kuchibhotla and Dudley in the independent claims. Furthermore, Dependent Claims 3 and 18 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1, and Claim 16 from which Claim 18 depends. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 3 and 18, and allowance thereof are respectfully requested.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kuchibhotla in view of Dudley as applied to Claim 1 above, and further in view of Dottling et al. (U.S. Patent No. 7,249,303).

Dottling does not address the deficiencies of Kuchibhotla and Dudley in the independent claims. Furthermore, dependent Claim 4 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1 from which it depends. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 4, and allowance thereof is respectfully requested.

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kuchibhotla in view of Dudley as applied to Claim 16 above, and further in view of Kohno (U.S. Application No. 2003/0120802).

Kohno does not address the deficiencies of Kuchibhotla and Dudley in the independent claims. Furthermore, dependent Claim 17 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1, and

Claim 16 from which it depends. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 17, and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-21, are believed to be in condition for allowance.

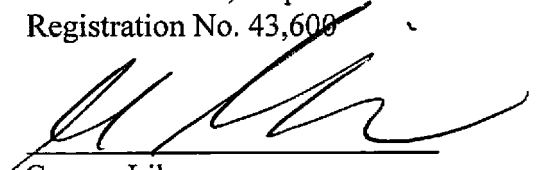
If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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